

**DECLARATION FOR PATENT APPLICATION  
AUTHORIZATION OF AGENT**

As the below named Inventor, I hereby declare that:

My residence, post office/ mailing address and citizenship are as stated below next to my name.

I believe I am the original and sole Inventor of the new and distinct plant variety which is claimed and for which a patent is sought on the Invention entitled:

**HEUCHERA PLANT NAMED 'MIDNIGHT BURGUNDY',**

the specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I state that I have discovered in a cultivated area and asexually reproduced the new and distinct plant variety.

I hereby state that the new and distinct plant variety has not been publically available nor sold anywhere in the world for more than one year prior to the filing of this U.S. Plant Patent application.

I hereby appoint the following agent to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Catherine Anne Whealy, Registration No. 39,419. Address all correspondence to Catherine Anne Whealy, Proprietary Rights International, P.O. Box 220, Tolar 76476. Address all telephone calls to Catherine Anne Whealy at 1-254-835-5150 or 1-817-219-0777.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have

also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications: None.

Priority claimed: No

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Applications in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Applic. No.)</u>	<u>(File Date)</u>	<u>(Status - patented, pending, abandoned)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: **CHARLES OLIVER**

Inventor's Signature: Charles Oliver

Date: November 10, 2003

Country of citizenship: UNITED STATES OF AMERICA

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